

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PAPST LICENSING GMBH & CO. KG,

Plaintiff,

v.

APPLE INC.,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

Case No. 6:15-cv-01095-RWS

Jury Trial Demanded

**APPLE INC.'S UNOPPOSED MOTION FOR LEAVE
TO FILE EXCESS PAGES FOR EXHIBITS TO ITS
MOTION TO COMPEL INTERROGATORY RESPONSES FROM PLAINTIFF**

Defendant Apple Inc. requests that the Court allow Apple to file excess pages for exhibits to its Motion to Compel Interrogatory Responses from Plaintiff Papst Licensing GMBH & Co. KG, which was filed on February 1, 2017. Dkt. No. 228. Under Section 9(b) of the Discovery Order, parties are allocated five pages for attachments to discovery motions. Dkt. No. 106. For the sake of completeness and to provide proper context for Papst's discovery responses, the exhibits to Apple's Motion to Compel totaled 19 pages, which consisted of the following:

- Exhibit A: Apple's First Set of Interrogatories to Papst (8 pages);
- Exhibit B: Papst's Responses to Apple's First Set of Interrogatories (9 pages); and
- Exhibit C: Comparison of Patent Rules from Other Jurisdictions (2 pages).

Dkt. Nos. 228-2, 228-3, & 228-4.

The purpose of including the entirety of Apple's interrogatory requests (Exhibit A) was to provide the definitions for the terms used therein. Furthermore, the purpose of including the entirety of Papst's response to those requests (Exhibit B) was to provide all Papst's objections.

Apple's inclusion of this information was intended to provide a complete record so that the Court may comprehensively assess the circumstances and substance of the parties' dispute.

Therefore, Apple respectfully requests that the Court grant this Motion and allow Apple's submission of 19 pages of exhibits that accompany Apple's motion to compel.

Dated: February 3, 2017

Respectfully submitted,

/s/ Jeremiah A. Armstrong

David Alberti (admitted *pro hac vice*)

dalberti@feinday.com

Clayton Thompson (admitted *pro hac vice*)

cthompson@feinday.com

Marc Belloli (admitted *pro hac vice*)

mbelloli@feinday.com

Jeremiah A. Armstrong (admitted *pro hac vice*)

jarmstrong@feinday.com

FEINBERG DAY ALBERTI & THOMPSON LLP

1600 El Camino Real, Suite 280

Menlo Park, CA 94025

Telephone: (650) 618-4360

Facsimile: (650) 618-4368

Melissa Richards Smith

melissa@gillamsmithlaw.com

GILLAM & SMITH LLP

303 South Washington Avenue

Marshall, TX 75670

Telephone: (903) 934-8450

Attorneys for Defendant

APPLE INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on February 3, 2017.

/s/ Jeremiah A. Armstrong

CERTIFICATE OF CONFERENCE

I hereby certify that on February 3, 2017, Apple counsel Allen Gardner conferred via telephone and email with Papst counsel Claire Henry. Based on that communication, the relief requested herein is not opposed, but Papst does not believe that exceeding the Court's page limits is necessary.

/s/ Jeremiah A. Armstrong